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LAW OF THE SEA

No. 220

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22 February 1983

WORLDWIDE REPORT

LAW OF THE SEA

No. 220

CONTENTS

ASIA

AUSTRALIA

Briefs

Mining, Fishing Sea Code

1

LATIN AMERICA

BRAZIL

Briefs

Law of Sea Convention Ratification Seen
Fishing Talks With Trinidad-Tobago

MEXICO

Fishing Industry Leader Criticizes Policy
(NOTIMEX, 26 Jan 83)

3

NEAR EAST/SOUTH ASIA

BANGLADESH

Text of Statement by Delegate to Jamaica Conference
(THE BANGLADESH OBSERVER, 15, 16 Dec 82)

4

INDIA

Sea Law Convention Examined; U.S. Stand Decried
(R. Chakrapani; THE HINDU, 23 Dec 82)

7

| | |
|--|----|
| Gandhi Urges Law of Sea Endorsement (THE TIMES OF INDIA, 4 Jan 83) | 9 |
| 'Indian Express' Notes Importance of Transit Passage Rights (B. V. Rara Rao; INDIAN EXPRESS, 20 Dec 82) | 10 |
| Meeting Urges Better Exploitation of Sea Wealth (THE HINDU, 10 Jan 83) | 13 |
| Briefs Commercial Ocean Mining | 14 |

WEST EUROPE

INTERNATIONAL AFFAIRS

| | |
|--|----|
| Norway, EC End Fishing Dispute With Agreement on Quotas (Kjell Dragnes; AFTENPOSTEN, 26 Jan 83) | 15 |
|--|----|

FRANCE

| | |
|--|----|
| CNEXO Cooperates With Firms To Develop New Equipment (L'USINE NOUVELLE, various dates)..... | 17 |
| Main Establishment in Bretagne, by Nicole Grange Recovery of Metallic Nodules | |

PORTUGAL

| | |
|---|----|
| Fishing Rights Dispute With Spain Unresolved (DIARIO DE NOTICIAS, 12 Jan 83) | 21 |
|---|----|

TURKEY

| | |
|---|----|
| Soviets Refuse To Pay Health, Lighthouse Duties (DUNYA, 19 Jan 83) | 22 |
|---|----|

AUSTRALIA

BRIEFS

MINING, FISHING SEA CODE--The Australian Government and the states have reached agreement on a common code of the sea to regulate mining and fishing within Australia's 200-mile offshore limit. The agreement was announced today by the prime minister, Mr Fraser, who said the code would become operative on 14 February. Radio Australia's Canberra correspondent, (Ted Keyers), said there will be no major change in the powers and responsibilities the federal government and the states now have over offshore areas, but it will apply uniform standards to offshore exploration of petroleum and minerals and any mining development activities. The minister for primary industry, Mr Nixon, described the agreement as a landmark in the history of Australia's fishing industry. [Text] [BK040939 Melbourne Overseas Service in English 0830 GMT 4 Feb 83]

CSO: 5200/4316

BRIEFS

LAW OF SEA CONVENTION RATIFICATION SEEN--Adm Maximiano da Fonseca, minister of the navy, said yesterday that Brazil should ratify the new Law of the Sea convention, which establishes a country's exclusive zone of exploitation at 188 miles and its territorial waters at 12 miles. He observed, however, that this will not come about immediately, since the matter must still be studied by the National Congress. According to the minister, this is an excellent treaty for Brazil and is being adopted by consensus of many nations. He explained that Brazil acted unilaterally in establishing its territorial limit at 200 miles, but that other nations accepted the philosophy behind this attitude, which was to extend the range of the country's exclusive utilization of maritime resources, which at that time was limited to 12 miles. Regarding the Antarctic, the admiral reiterated that Brazil is going to that continent only to mark its presence and to have a voice in the 1991 treaty which will define use of the Antarctic by all the interested countries. The minister was reluctant to comment on President Figueiredo's meeting with his Argentine colleague, but he said this is always good because it shows there is understanding and dialogue between the two countries. He said this would not affect Brazil's relations with England, stressing that it is possible to be "a friend of the enemy of a friend." [Text] [Sao Paulo O ESTADO DE SAO PAULO in Portuguese 14 Jan 83 p 5] 6362

FISHING TALKS WITH TRINIDAD-TOBAGO--Last Monday in Port of Spain, Roberto Ferreira do Amaral, superintendent of SUDEPE [Superintendency for Development of the Fishing Industry] met with Kamuluddin Mohamed, agriculture minister of Trinidad-Tobago, to analyze prospects for greater cooperation between and that Caribbean country in the fishing area. According to the SUDEPE superintendent's report from Port of Spain, there is a good possibility that Trinidad-Tobago and Brazil will agree to the formation of "joint ventures" for tuna and anchovy fishing on the southern coast of Brazil. This negotiation is of fundamental importance to the fishing sector in the south of the country, since it will alleviate the serious problem of idle capacity of its onshore infrastructures. The basic idea is to use Trinidad-Tobago's fishing boats to catch shrimp and anchovy in Brazilian waters, to be processed in the south of the country and then exported to CARICOM countries (a kind of Caribbean common market). Amaral added that programs are under study with Trinidad-Tobago to catch bottom fish, for which Brazil does not have the fishing technology, and this could facilitate diversification of fishing production and also of the market, since the Caribbean countries traditionally consume this type of fish. [Excerpts] [Brasilia CORREIO BRAZILIENSE in Portuguese 13 Jan 83 p 10] 6362

MEXICO

FISHING INDUSTRY LEADER CRITICIZES POLICY

FL261910 Mexico City NOTIMEX in Spanish 1556 GMT 26 Jan 83

[Text] Mexico City, 26 Jan (NOTIMEX)--Julio Berdegue, president of the National Chamber of the Fishing Industry [Camara Nacional de La Industria Pesquera], said that due to mistaken policies, the private tuna fleet had been paralyzed since September 1982, resulting in a loss of \$40 million.

He rejected the notion that the national fishing industry will overcome its present standstill as long as the state continues to refuse negotiations to eliminate the tuna boycott imposed by the United States and refuses to allow private capital participation in the exploitation of marine life which up to now has been reserved for cooperatives and parastate enterprises.

He added that the tuna industry cannot afford to operate its ships when it can only export 10 percent of its product to other than U.S. markets.

All this, he said, without considering the financial problems confronted by businessmen due to their foreign debt, their dependence on imports and imported machinery and the unfair competition posed by the subsidized operation of semistate fishing cooperatives.

He said the only alternative to settle the problems of the national fishing industry is to open the foreign market, resolving the U.S. tuna boycott.

After stressing the need for the United States to begin buying our national product again--without endangering the country's sovereignty--Julio Berdegue would not say whether banning U.S. ships from entering Mexican waters was a good or bad attitude on the part of the government.

The leader added that Mexico's tuna fleet could produce 80,000 tons of tuna, 60,000 tons of which could be absorbed by the United States and the remainder sold in the domestic market.

CSO: 5200/2012

TEXT OF STATEMENT BY DELEGATE TO JAMAICA CONFERENCE

Dhaka THE BANGLADESH OBSERVER in English 15, 16 Dec 82

[15 Dec 82 p 4]

[Text]

The following is the text of the statement made by the DCMLA and leader of Bangladesh delegation Rear Admiral M.A. Khan at the final session of the Third United Nations Law of the Sea conference at Montego Bay Jamaica on December 9 last says BSS.

Bismillaher Rahmaner Rahim:

Mr. President distinguished delegates ladies and gentlemen the Bangladesh delegation considers it both an honour and a pleasure to participate in the final session of the Third United Nations Conference on the Law of the Sea against the breath-taking exquisite surrounding of Montego Bay. We would like to express our sincere gratitude to the Government and people of Jamaica for their friendly hospitality and the excellent arrangement made for this conference.

Mr. President as a populous Asian country we take pride and satisfaction that these long and arduous negotiations culminating in the present historic session were presided over by two distinguished sons of Asia both coming from two sister Island republics close neighbours of Bangladesh. My delegation would like to pay tribute to the memory of the late Hamilton Shirley Amerasinghe whose contribution to the work of this conference is too well known. We would

also like to express our deep gratitude to you Mr. President for the effective and fair manner in which you steered the conference to a successful conclusion. You have brought to the work of this conference eminently Asian virtues of patience fore-thought and rigorous discipline of mind and spirit without which the success of this conference would not have been achieved. Through you Mr. President we wish to express our gratitude to ambassador Zuleta and all members of the Law of the Sea Secretariat for their co-operation.

Mr. President we would also like to acknowledge the inspiration and impetus given to our work by ambassador Pardo of Malta.

Mr President, genesis and duration of the Third United Nations Conference on the Law of the Sea spans almost exactly our own history as a free and independent nation. Bangladesh participated in the Caracas conference barely two years after her independence. Indeed our participation was one of the first major diplomatic exercises undertaken. It is for this reason the Government and people of Bangladesh attaches a special significance to the monumental work achieved in elaborating a universal regime for the seas covering a vast range of interests and activities for the

good order and regulated uses of the oceans and its resources.

Mr. President the task of formulating a comprehensive convention on the Law of the Sea has not been easy we are mindful that this great international legislative enterprise is the first in which the developing countries have been able to participate as equal partners. Their interests and aspirations have influenced the final outcome. Nevertheless Bangladesh feels that full potential of the present convention can only be realised through a universal participation. We therefore joint many previous speakers in appealing to those countries that have yet to make up their minds to join this convention in the interest of universal legal order for the seas and the oceans.

Mr. President we hope that some nations great as they are appreciate the immediate significance of correct legal relationship with the convention. The treaty establishes the means by which the coastal nations extend their sovereignty over adjacent marine resources and enjoy immediate benefits of tangible fishing and navigational rights a just and equitable framework to protect and conserve the resources of the world ocean for the welfare of the entire world community.

[16 Dec 82 p 4]

[Text] The following is the concluding part of the text of the statement made by the DCMLA and leader of the Bangladesh delegation Rear Admiral

M. A. Khan at the final session of the Third United Nations Law and Sea conference at Montego Bay, Jamaica, on December 9 says BSS.

Mr President, the people of Bangladesh have historically been a sea-faring people. The limited land resources and subsistence needs of the 90 million population of Bangladesh make it imperative to recognise the potential of the oceans as a tangible promise for the future.

Mr. President, we have to acknowledge that not all our hopes have been realised in this convention. We believe that the unique geographical circumstances of our coastline and the peculiar geomorphological conditions associated therewith warrant adequate treatment. It is also impossible not to agree with the assessment of some of the distinguished representatives that the scheme of the convention gives too much to some and too little to many others yet the convention with all its imperfections offers a viable package deal which must be taken in the spirit of mutual co-operation and friendship as a whole.

Mr. President, we believe that no state however powerful or technologically advanced should acquire the stamp of legitimacy through unilateral exploration and exploitation of what is the common heritage of mankind.

We also believe that the convention will give an impetus for the establishment of regional arrangements for exploration and exploitation of sea resources that in the view of my delegation will be mutually beneficial to the countries of the region.

Mr. President, we sincerely believe that if nations are truly guided by a spirit of mutual understanding and co-operation and by the objective assessment of the convention the hopes of mankind will materialise through this convention. Bangladesh feels happy and satisfied that this convention provides adequate and equitable scope to resolve differences among states in the spirit of friendship and cooperation.

Mr. President, we are also happy that the convention will be open to signature by Namibia represented by the United Nations Council of Namibia and which Bangladesh is closely associated. At the same time signing of the final act of the convention by the Palestine Liberation Organisation (PLO) is welcomed by my delegation.

Mr. President, we also believe that the convention offers developing countries such as Bangladesh scopes to participate in the activities of a number of organs set up by the convention and that such participation is bound to stimulate the development domestically of the technological infrastructures in relation to exploration and exploitation of the resources of the ocean. We are also pleading that the convention provides for distribution of the oceans' wealth between developed and developing nations.

Mr. President, the convention before us contains many inadequacies but in the spirit of our commitment to international law, peace and good order and solidarity with people of developing world nonaligned and Islamic countries.

I have been entrusted by my government to sign the convention. However, Mr. President, at the appropriate time Bangladesh will avail itself of the provisions of Article 310 to make a declaration on matters of our vital national interests.

In conclusion, Mr. President, Bangladesh joins all states hoping that the final session based on the principles and objectives of the United Nations will be a memorable chapter of fruitful co-operation and understanding and sharing of benefits of the greater part of the globe for the benefit of mankind.

Thank you, Mr. President.

CSO: 5200/7010

SEA LAW CONVENTION EXAMINED; U.S. STAND DECRIED

Madras THE HINDU in English 23 Dec 82 p 8

[Article by R. Chakrapani]

[Text]

UNDER the Law of the Sea Convention which was signed by 118 countries at a historic ceremony at Montego Bay in Jamaica on December 10, India has been assigned a unique position befitting its technological and scientific advancement. It becomes the only country to be given the status of "pioneer investor" enabling it to undertake seabed mining in a site to be assigned to it soon. The site will be located in a southern part of the Indian Ocean where India has already invested a capital more than \$30 millions (Rs. 28.5 crores) on seabed research and development and qualified itself for obtaining the status of a pioneer.

The "Pioneers Club", recognised by the Convention, is indeed a very small group consisting of four Western consortia and four countries with State programmes of seabed mining, namely, France, Japan, India and the Soviet Union. The four Western seabed mining firms are: Kennecott Consortium, Ocean Mining Associates, Ocean Management Incorporated and Ocean Minerals Company and they are controlled by one or more of the following countries: Belgium, Canada, Federal Republic of Germany, Italy, Japan, the Netherlands, the United Kingdom and the United States.

The club is likely to be enlarged in the next two years but those already there are guaranteed a site where they will be free to undertake mining operations to extract from the seabed what are known as polymetallic nodules rich in valuable metals like copper, nickel, cobalt and manganese. These nodules litter the ocean floors and their monetary value may run into trillions of dollars. India is rich in manganese but poor in other metals.

Oil resources

The pioneer operators are not free to keep all they recover from the ocean bed but they have financial payments to make to

the Law of the Sea Authority to be established and obey all the rules of the game for the common good.

When the Convention comes into full force, the doors will also be opened for the nations of the world to attempt to meet their energy needs by exploiting the oil resources in their continental shelves extending over a distance of 560 km from the coast. Without being challenged by any other country, they could tap the living and non-living resources in an exclusive 320 km economic zone.

For India, the prospects of offshore oil resources are immense in the Bay of Bengal alone, where it is reported that the oil-bearing sediments are said to be of 16 km thickness. India may soon prepare a plan for special surveys and research programmes to assess the mineral as well as oil resources in its continental shelves all around its expansive peninsula leaving out what legitimately belongs to other nations such as Burma, Bangladesh, Sri Lanka, Maldives and Indonesia. The Government of India may also be required to begin a legal and a planning and research exercise by the Department of Ocean Development to take follow-up action in the light of the provisions of the sea Convention.

Behind the ceremony that was held at Montego Bay on December 10, lies nine long years of labour to evolve the Law of the Sea Convention. More than 3,000 delegates and legal, naval and scientific experts, meeting alternately at Geneva and New York, shaped up the treaty which is being rightly hailed as a unique international achievement.

Innovative concepts

The Convention, which was adopted by the Law of the Sea Conference on April 30, contains many new and innovative concepts of international law. The 320 clause Convention lays down a complex set of rules and regulations for virtually all conceivable uses of the oceans, including

navigation, fisheries, mineral resources development and scientific research. It also seeks to protect the world's seas from pollution and encourages efficient management of their hidden treasures, so that their benefits will be available to all mankind. It aptly declares the wealth of the seas as the "common heritage of mankind".

The understandable jubilation that marked the signing ceremony at Montego Bay was also tinged with regret and dismay. This was because the United States and some of its Western allies like Britain, West Germany and Japan did not sign the document. The U.S. objection was based on what it perceives as a violation of the free enterprise principles to which it subscribes. While the U.S. notified that it would not join in rule-making efforts, others left the door open for their joining the treaty at a later stage.

What annoyed the Third World delegations particularly was the fact that the Reagan Administration delayed the deliberations of the conference for over a year saying it needed time to formulate its policy, then re-entered the negotiations early this year in a bid to block approval of provisions already agreed upon by the two previous U.S. Administrations, and finally announced it was staying out of the treaty. The U.S. has already made public its intention to conclude a "mini treaty" with like-minded nations such as Britain, West Germany and Japan to let their private sector concerns mine seabed sites mutually agreed upon.

U.S.'s stand

What further pains Third World delegations is that the U.S. action will enable it to have the benefit of the Convention's provisions on such matters as a uniform limit of 20 km of territorial sea, exclusive economic zone, continental shelf and unimpeded passage to naval vessels through the 116 straits in the world, protection of marine environment and freedom of marine research and at the same time chart out its own course in the exploitation of the mineral wealth of the seabed.

The U.S. says the principal reason for its not signing the treaty is that it does not give guarantee of access to seabed mining. "In addition to that", says a high U.S. official, "there are many portions of the text to which we object". He says the U.S. is opposed to the proposal that provides for a review of the "parallel" system of mining after 15 years for fear that this might lead to the elimination of private consortia from participating in seabed mining and enforcement of a unitary system by which only 'Enterprise', the mining arm of the proposed International Seabed Authority to be set up under the Convention, could undertake seabed mining.

The U.S. is also opposed to the distribution of the benefits of seabed mining to na-

tional liberation movements like the Palestine Liberation Organisation.

The U.S. action in staying out of the treaty has been criticised both within and outside the conference. Fiji which played a key role in negotiating seabed mining said the world could do "without the overbearing attitudes of the superpowers". Even a country like Australia, a close ally of the U.S., has cautioned the U.S. that by staying out it would be incurring the hostility of the entire world.

The conference chairman, Ambassador Tommy Koh of Singapore, takes a rather optimistic view. He believes the U.S. would not be able to hold out for long. He says the U.S. would be unable to implement the "mini treaty". According to him, a workable "mini treaty" can be achieved only if the U.S. can persuade all the major seabed mining countries to join in the restricted arrangement.

"The Soviet Union and France, two seabed mining countries, have decided to sign the convention", he notes. "And, they will, therefore, not join the mini treaty. I expect and hope that Japan will sign the convention. In that event, it seems to me that a mini treaty will not be effective, because one cannot exclude the possibility that the mine sites awarded by the countries which stay outside the convention will not overlap or conflict with the mine sites awarded by the International Seabed Authority to others".

Mr. Koh believes that the U.S. will not be able to go it alone with the mini treaty. It could only do it at a certain price to its own principles. It will have to abandon its professed belief in free market principles and grant to the seabed mining industry government-backed insurance against political risk.

The signing ceremony held at Montego Bay represents an important stage in formalising the treaty. It will come into force as soon as 60 governments ratify the treaty. Judging from Third World enthusiasm, this process may not take long.

Meanwhile, the Preparatory Commission of the Convention will meet in March next to evolve rules and also take steps to establish the proposed International Seabed Authority and its mining arm 'Enterprise' at Kingston, Jamaica. It will also set up another important organ of the convention, namely, the International Tribunal for the Law of the Sea which is to be located in Hamburg, West Germany.

The Preparatory Commission has been given a wide mandate by the Convention. It will also draft rules about the scope and functions of the proposed assembly and the 36-nation council and help in constituting the secretariat of the Seabed Authority at Kingston.

GANDHI URGES LAW OF THE SEA ENDORSEMENT

Bombay THE TIMES OF INDIA in English 4 Jan 83 p 1

[Text] TIRUPATI, January 3.

THE Prime Minister, Mrs. Indira Gandhi, today urged all countries to sign the United Nations convention on the law of the seas and hoped that the countries which were "blatantly refusing to recognise this common human right" would reconsider their stand.

The refusal of some developed countries, however, made it all the more necessary for India to strive for self-reliance, Mrs. Gandhi said.

She was addressing the 70th session of the Indian Science Congress, which has as its focal theme "Man and the ocean: resources and development."

Mrs. Gandhi voiced the feelings of all developing countries when she said Antarctica, the deep oceans outside the exclusive economic zone of coastline nations and outer space were the common heritage of mankind. "We feel strongly that they should not be subjected to the rule of first come, first served."

India was neither expansionist nor aggressive and it did not wish to go beyond its rights but "those rights must be safeguarded," Mrs. Gandhi made it clear.

The Prime Minister's statement is a clear signal to fellow developing countries that India would stand by them in the fight for technological equity even though India itself has sent two missions to Antarctica, achieved the pioneer investor status in ocean mining and made major advances in space technology.

Mrs. Gandhi referred to the focal theme of the Science Congress session and said India was the only country with the privilege of having an ocean named after it. However, the Indian Ocean had hardly been explored by those who lived around it.

"We have a long coast and our maritime traditions go back to ancient times; yet because of our large land base, we became accustomed to thinking of ourselves and are regarded by others, as land-lubbers."

Incursions by outside military powers have suddenly opened our eyes to the significance of the sea around us for our security and development," she said.

Mrs. Gandhi stated that recognition of India as a pioneer investor in ocean mining was a direct result of the oceanographic research undertaken in the country. Besides the physical and biological resources of the sea, an understanding of the interaction between the ocean and the atmosphere was also vital for the country because the Indian Ocean determined India's weather.

Referring to the food resources in the oceans, Mrs. Gandhi said a mere dozen countries with extensive technological capabilities had monopolised more than three-quarters of the total global harvest of fish and operated major fishing fleets with storage facilities at great distances.

She said several Indian agencies had now undertaken oceanographic activities, and the department of ocean development would co-ordinate all efforts.

CALL TO SCIENTISTS

Reviewing India's scientific progress, Mrs. Gandhi said the foundation of self-reliance had been built, while the science-policy resolution of 1958 guided Indian scientists. It was time now to evaluate the experience gained, recognise accomplishments and identify shortcomings before planning for the future.

The Prime Minister expressed disappointment that scientists had not been sufficiently enthused to work for the needs of the average people, especially the poor, who must earn their pittance through avoidable drudgery. Also, not adequate attention had been paid to the development of available renewable sources of energy and other local resources.

Mrs. Gandhi said scientific capabilities must be meshed more closely with major development efforts and every sector of economic activity must have a firmer scientific underpinning.

Mrs. Gandhi urged scientists to think of introducing the most advanced means into villages, to bring professionalism into traditional systems of information and health and other sectors. "To the question whether we can afford new techniques and equipment, my counter-question is — can we afford to be stuck with obsolete ones?"

Mrs. Gandhi said India could make up for the lost time only by beginning now to create the technology for the 21st century.

CSO: 5200/7008

'INDIAN EXPRESS' NOTES IMPORTANCE OF TRANSIT PASSAGE RIGHTS

Delhi INDIAN EXPRESS in English 20 Dec 82 p 6

[B. V. Rara Rao article: "Group of 77 Outsmarted"]

[Text] The Convention on the Law of the Sea was opened for signature at Montego Bay, Jamaica, on December 10 and it remains open for two years. A total of 119 countries, including India, France and the Soviet Union have signed the convention. Prominent among the nations who have not signed as yet are the United States, Britain, West Germany and Japan. The convention will come into force one year after 60 countries ratify it.

The convention envisages a territorial sea of 12 nautical miles as against the traditional cannon-shot rule which provides only a three-mile territorial limit. A coastal state will have a contiguous zone of 12 nautical miles from its territorial waters to regulate customs, fiscal, immigration and sanitary matters. The convention also provides for an exclusive economic zone [EEZ] of 200 nautical miles and a continental shelf of 200 to 350 nautical miles, depending upon the geographical situation. It also lays down the mechanism for pollution control, scientific research and dispute settlements.

The resources beyond the continental shelf have been declared as the common heritage of mankind. The polymetallic nodules are the major resources of the deep seas which contain manganese, copper, cobalt, nickel and many other minerals. According to conservative estimates, the market value of these minerals could be about three trillion dollars.

The convention provides an elaborate mechanism for the exploitation of these deep-sea resources. It will create an International Seabed Authority which consists of an assembly in which all the signatories to the convention would be members and an elected 36-member council. There will be an operational wing of the authority called "Enterprise" which would exploit resources on behalf of mankind. The exploitation will be done in parallel by the Enterprise and by private or government contractors. Under this parallel system, an applicant would provide a plan of work for two mine sites of equal value out of which the authority would reserve one for the Enterprise and allot the other to the applicant. It also provides for the transfer of technology from the contractors to the Enterprise.

But the success of the Enterprise would basically depend upon the availability of finances and technology. More so of the latter. It is an open fact that the U.S. has a near monopoly of ocean mining technology. The convention recognises 10 pioneer investors--four U.S.-dominated international consortia, France, the Soviet Union, West Germany, Britain, Japan and India. However, it is the U.S. companies which control ocean mining technology.

If the U.S. stays out of the convention and starts mining on the basis of the "mini-treaty" or its own national legislation, the Enterprise will in all probability be unable to acquire the technology. Moreover, once these multinationals choose to mine outside the ambit of the International Seabed Authority, they would see to it that not only the Enterprise, but also other countries which would like to mine the oceans in accordance with the convention, fail.

Another important aspect of the convention is the creation of new right of "transit passage" through international straits. The extension of territorial waters to 12 miles has a tremendous bearing on international navigation--especially the strategic interests of the superpowers in the straits. With this extension, about 116 international straits would be closed to free navigation. Earlier, with the three-mile territorial sea on each side, all these straits had high sea corridors in which full freedom of navigation and overflight existed for all nations. But with the acceptance of the 12-mile rule, both coastal states on either side of a strait can claim the whole of the strait's waters as territorial, as all these 116 straits are less than 24 miles and more than three miles wide.

Now all these straits are subject to "transit passage" under the convention. No doubt, even under the traditional international law and the 1958 Geneva Convention the right of "innocent passage" exists. But there is a vast difference between innocent passage and transit passage. While under innocent passage, submarines have to navigate on the surface showing their flags, now they can travel under water according to transit passage right. A warship can also claim right of passage under this convention, unlike under the 1958 convention. Moreover, the right to overfly was not included in innocent passage, whereas it is very clearly permitted under the new right of transit passage.

As a result of the right of transit passage submarines, warships and a combat aircraft can pass through and over these straits without the permission of coastal states.

For instance, a nuclear-powered submarine belonging to any nation can pass through the Palk Straits under water without taking permission from either India or Sri Lanka, though the width of the strait at Adams Bridge is only three miles. The right of transit passage is going to be very significant for the mobility of the superpower navies. The creation of the U.S. Rapid Deployment Force [RDF] has also increased the importance of international straits. If the unit of RDF is compelled to take prior permission for transit, the very meaning and purpose of "rapid" deployment would be defeated.

The USSR too has a considerable interest in international straits. The Soviet Black Sea Fleet can only reach the Mediterranean through the Bosphorus Strait. And from the Mediterranean its forces can only reach the open ocean either through the straits of Gibraltar or the Suez Canal.

It is in fact to safeguard those interests that the U.S. and USSR took the initiative to convene the Conference on the Law of the Sea. One of the major objectives of the U.S. in the conference is to achieve transit passage rights in these straits.

At the beginning of the conference it was understood that the Group of 77 would not have conceded "transit rights" in international straits till the U.S. agreed to all aspects of seabed exploitation. But the Group of 77 agreed to transit rights and the conference had incorporated this right in the text as early as 1977.

Once these rights were incorporated in the text, the U.S. mining lobby started pressing American policy-makers not to give any more concessions on seabed exploitation. The proponents of this view argued that the draft convention would become international law whether the U.S. signs it or not, as it comes into force as soon as a prescribed number of countries ratify it. In any case the provisions in the convention would become customary international law, even if not ratified by the requisite number of countries. This being so, they argued, the U.S. can go in for seabed mining on the basis of the "mini-treaty" or its own national legislation while safeguarding its strategic interests in straits under customary international law.

The net result is that the U.S. has got a double advantage. It has decided not to sign the treaty while actively exploiting the possibilities of the "mini-treaty" with its Western mining allies. It wants to exploit seabed resources outside the convention while getting all the benefits under it like the transit passage right, the 12 mile territorial sea, the 200 mile EEZ, a 350 mile continental shelf, and so on.

The policy-makers of the Group of 77 did not perceive the importance of "transit passage" through straits for the big powers. In fact, they did not realise where their bargaining strength lay. Obviously, they could not use this lever properly, and so they paid for it. Had the developing world played its cards more tactfully, perhaps the U.S. may have been constrained to sign the convention.

9459

CSO: 5400/7009

MEETING URGES BETTER EXPLOITATION OF SEA WEALTH

Madras THE HINDU in English 10 Jan 83 p 6

[Text]

TIRUPATI, Jan. 9.

The week-long science congress, which has concluded here, has urged the Government to survey ocean resources systematically, particularly in the continental shelf, and prepare an inventory with the help of more research ships and aircraft and satellites.

It also called for security measures to prevent exploration and exploitation of the country's mineral resources in the ocean by foreign agencies.

In all, the congress made 16 main recommendations on this year's theme — man and ocean resources and development.

Prof. B. Ramechandra Rao, president of the Indian Science Congress Association, told the general body that there was an urgent need for estimating manpower requirements in ocean science and technology and introducing courses, particularly, at the post-graduate and diploma levels for getting the required personnel.

Apart from the conventional techniques for ocean studies, ocean engineers should improve existing methods and develop new ones.

Fighting pollution: The congress stressed that pollution of the seas by radioactive wastes and fallouts from nuclear explosions should be monitored to preserve the ocean ecosystem. Extensive studies should be made for eliminating toxic effluents which accumulate and impair the ocean environment. Students should be taught about the ocean and its potential as a source of food material, mineral and oil and its role in weather changes. The Department of Ocean Development could prepare small booklets on sea resources and distribute them to school and college students.

Every effort should be made to popularise seabathing, scuba-diving, surfing and other water-sports.

In view of the possibility that some ancient cities might lay buried under the ocean, scientists and laymen interested in diving should be encouraged to undertake underwater exploration not only as a pastime but as a professional activity. The congress emphasised that a few more sites should be chosen for putting up

ocean thermal energy conversion projects. Those directed towards the design and development of smaller units which convert wave energy to electric power should be encouraged by funding agencies so that small hamlets all along the coast could be provided enough electric power at least for domestic use.

Among other things, the congress expressed the view that gas from Bombay High and other oilfields could be made available to any State ready to use it till a final decision on allocation was taken. The recommendations of the congress would be forwarded to the task force of the union Department of Science and Technology for follow-up measure.

Over to Ranchi: The next session of the science congress, for which Prof. R. P. Bambah, Director of the Centre for Advanced Study in Mathematics, Punjab University, Chandigarh, will be the president, is to be held at Ranchi in January 1984. Lucknow would be the venue for the 72nd session and Dr. A. S. Paintal of Delhi has been elected president for 1984-85.

Awards: Eight young scientists have been selected for the Young Scientists' Award by the congress for their original papers presented at the session.

The award winners are: Dr. L. N. Katkar, Lecturer in Mathematics, Krishna Mahavidyalaya, Satara, Maharashtra; Dr. Neeraj Khare, Department of Physics, Banaras Hindu University, Varanasi; Dr. (Miss) Rajeswari Mahalingam, Department of Botany, Bharathiar University, Coimbatore; Dr. Sushama Singh, Department of Zoology, Banaras Hindu University, Varanasi; Dr. (Miss) Tara Devi, Research Associate, Department of Anthropology, University of Delhi, Delhi; Dr. Ajay Kumar Sinha, Department of Haematology, School of Tropical Medicine, Calcutta; Dr. V. H. Rao, Division of Physiology and Climatology, Indian Veterinary Research Institute, Izatnagar, U.P. and Dr. Sen Gupta, Department of Physics, Gosner College, Ranchi.

The award will be given at the Ranchi session next year. The award, which consists of Rs. 5,000 and a citation, is given every year.

INDIA

BRIEFS

COMMERCIAL OCEAN MINING--TIRUPATI, January 4--India will be able to start commercial operations in ocean mining within a decade, according to Dr. G. S. Sidhu, director-general of the Council of Scientific and Industrial Research. A recently-completed survey by the National Institute of Oceanography has revealed good polymetallic nodule fields in the Indian Ocean. India has already filed its claims over these before the concerned international forum. The area covered in the Indian Ocean by manganese nodules was estimated at 15 million sq. km. of which about 6.5 million sq. km. was likely to be a "prime area" suitable for first-generation mining. This involved the demarcation of 30,000 sq. km. from a vast expanse through expertise in navigation and position fixing. [Bombay THE TIMES OF INDIA in English 5 Jan 83 p 9]

CSO: 5200/7011

NORWAY, EC END FISHING DISPUTE WITH AGREEMENT ON QUOTAS

Oslo AFTENPOSTEN in Norwegian 26 Jan 83 p 8

[Article by Kjell Dragnes]

[Text] Joint Norwegian and EC fishing started up again at midnight, after the EC Council of Ministers approved the fishing agreement with Norway on Tuesday, almost a month and a half after negotiations on the agreement were completed in Brussels.

Norway closed its economic zone to all vessels from EC countries on 1 January in order to show its dissatisfaction with the circumstance that once again it seemed impossible to validate an agreement due to internal conflicts in EC.

But EC finally managed to hammer out a joint fishing policy in Brussels on Tuesday, after 6 years of transition arrangements and disagreement. Thus people in the Ministry of Fisheries anticipate that this is the last time they will have these problems with EC and that the annual quota negotiations in December will lead to agreements that can go into effect on the date originally scheduled.

The irritation in our fisheries branch has been tangible and it has increased for every day that went by in January. Some vessels have lost 25 days of fishing, although it is hard to tell exactly how many days were lost. Many ships have gone over to other kinds of fishing and the poor weather in January would have prevented fishing for long periods of time in any case.

It is estimated that catches worth 25 million kroner were lost because of the halt and Norway will ask EC for this amount in compensation. The agreement calls for a balance in fishing in the various zones.

"Some vessels are already in the starting group for fishing in EC zones," section chief Jens Victor Sele of the Fishing Boatowners' Association told AFTENPOSTEN. "It is possible that some ships, especially bank line vessels and cod trawlers, will proceed to the North Sea again after setting a northerly course to fish for their cod quotas when EC waters were blocked," he said.

Those who have lost the most are the bank line vessels, which under the most rational operating plan should begin fishing for pollack in the North Sea on 10 January. The seining fleet had to quit fishing for mackerel on 12 January when the old agreement expired and it is now occupied with the winter capelin fishing in the Barents Sea.

The industrial trawlers did not have much of a problem, they could fish for the varieties they usually fish for in Norwegian zones, but since fish tend to move around, it is an advantage for them that they can now enter the EC zone.

A transfer of 2,000 tons of cod from Norway to EC tipped the balance for the EC ministers. In return, Norway received 2,000 tons of herring in the EC zone. Later on this spring they will negotiate again on quotas and regulations, so that the catch balance is maintained.

6578

CSO: 5200/2528

CNEXO COOPERATES WITH FIRMS TO DEVELOP NEW EQUIPMENT

Main Establishment in Bretagne

Paris L'USINE NOUVELLE in French 16 Dec 82 pp 48-49

[Article by Nicole Grange: "Brittany: CNEXO's Opportunities"]

[Text] Underwater acoustics, instrumentation, thermal energy from the seas, antipollution fight...the research of the Brittany Oceanological Center can bring about considerable industrial fallout for the firms in the region.

"Ten years ago, we came to establish ourselves next to the CNEXO [National Center for the Exploitation of the Sea]. If it moves, we will follow." The Suber Company, a small scientific instrumentation firm (17 employees, Fr 6 million sales) directed by Pascal Armanjean, today exports 50 percent of its production, to a large extent thanks to the quality references that it gets from CNEXO by participating in the development of its instruments.

An exceptional case, but one that illustrates the impact that an organization such as CNEXO can have at the local level.

The mission of the National Center for the Exploitation of the Seas is to develop knowledge of the seas and the exploitation of oceanographic resources. Its principal establishment, the COB [Brittany Oceanological Center] was built in 1968 several kilometers from Brest: 550 scientists work there. A department of industrial technology and development is in direct contact with the industrial milieu for the research that it is carrying out: the stability of offshore structures, underwater acoustics, instrumentation, thermal energy from the seas, antipollution fight.... It also manages considerable resources: test basins, pressurized enclosure...that it allows the firms to use.

The COB has two types of relationships with the industrial milieu:

--Traditional relationships of customer to supplier or subcontractor. In fact, the Center has equipment to be built and maintained. CNEXO has eight large ships and underwater vehicles: ship repair can be done at Brest (that is the case of the rebuilding of the "Jean-Charcot"), or in other ports.

--"The relationships of technical cooperation that the COB has with certain firms are much more fruitful: aid to research on new products, for example, aid to the development thanks to the equipment and test facilities at the Center, ultimately aid to industrialization," says Michel Gauthier, chief of the department of technologies. This collaboration goes on with large firms, the universities or small business.

On the local level, the COB and Thomson-CSF, established in Brest, are working in close cooperation on several underwater acoustics projects in order to take advantage of the military market with the French Navy. Specifically, Thomson had built a Doppler effect keel currentometer to analyze ocean currents as a function of the forward movement of the ship with regard to the [ocean] floor and the various layers of water. With CNEXO aid, it is developing a stationary submerged currantometry station that makes it possible to analyze the currents at a point and at a precise moment. "Thanks to the support of the Center, we were able to develop an entire line of currentometers and to put ourselves on a worldwide level to approach the scientific and oil markets," says Claude Michel, from the division of underwater productions at Thomson.

In the field of acoustical transmission of television images, Thomson had developed an acoustical channel. CNEXO joined it to do image compression. "The Center brings to us its scientific knowledge of the ocean milieu, its test facilities, its financing capacities, and we do the manufacturing circuit drawings of the apparatus, the marketing," explains Claude Michel. When the markets downstream are not well known, this 50/50 collaboration makes it possible for us to share the risks.

Another type of collaboration: CNEXO calls on small or medium size local firms to develop certain apparatus, for scientific instrumentation, for example. The Center shares in the cost of development, brings the help of its research offices, of its engineers who test or "qualify" the products. "For a small business like mine, benefiting from the technological support of the COB is fantastic," says Pascal Armanjean. He had developed a celerimeter, the COB has improved its performances. In addition to the business that he does with the Center (over 20 percent), it is its far reaching influence that interests him. "When my equipment is put on a ship or presented by CNEXO abroad, we profit from its reputation. For us it is entirely efficient," he goes on to say. This is how this small company has sales almost everywhere abroad, in the Soviet Union, in India....

"This quality referency has also served us greatly," admits Jean Bronnec, marketing director at EGMO [expansion unknown]. In the beginning, his firm collaborated with COB in the development of equipment for underwater sampling (coring, barges), then he obtained a license to manufacture an automatic sampling system for polymetallic nodules. Today EGMO is launched and has mastered the manufacture of a line of antipollution products. From a small system for recovery of hydrocarbons built according to a Kleber patent, EGMO has been able to develop several complementary devices: work pumps, concentrators...which allow it to approach the world market for antipollution equipment.

But, while the influence of CNEXO can be decisive for several firms, overall it remains limited within the region. Most of COG's research programs are beyond the local scope. Whether the work applies to the thermal energy from the sea or the extraction of underwater minerals, the Center works with national and even international level firms.

Technology Development: New Efforts

And CNEXO is currently more a "research" center than an "operating" center for the seas: of the 550 scientists at Brest, barely 10 percent are engineers and technicians and there are only 70 persons in the department of industrial technologies and development.

Finally, CNEXO is not the true support of any industry. Oceanographic resources are potential: polymetallic nodules, thermal energy, aquaculture... and the markets still hypothetical, due to the lack of profitability. And we have to wait several years for the projects to result in industrial achievement.

Still, it's a hope. The will reaffirmed by the administration and the new directors of the Center to direct their future efforts towards the development of technologies.

COB Research [boxed article below above]

The Brittany Oceanological Center (COB) is the largest CNEXO establishment:

The COB concentrates on a single campus 550 scientists, engineers and technicians working on various themes related to the ocean, from fundamental research to concrete applications:

- Living resources (aquaculture, biology and physiology of marine animals...);
- Mineral and fossile resources (research and exploration of the ocean bottom, evaluation of mineral beds...);
- Sea intervention technologies (resistance of offshore structures, antipollution methods, fishing equipment...);
- Shore environment and management of the ocean environment (planning of shoreline land use, impact studies of seashore construction...);
- Physical and climatic environment (knowledge of ocean circulation, of the states of the sea...);
- Management of oceanic data (processing of acquired data, building of the bibliographical data base...).

Various organizations are located at the COB site: The Water Pollution Research Center, the BRGM [Bureau of Geological and Mining Research], Orstom

[Office of Overseas Scientific and Technical Research], the Center for Marine Meteorology, Genavir [expansion unknown], France Culture....

Thirty-five thousand m³ of laboratories, shops and offices, an ocean testing station and equipment testing facilities are at the disposal of the scientific and industrial community.

Recovery of Metallic Nodules

Paris L"USINE NOUVELLE in French 25 Nov 82 p 85

[Article by M.R.: "CNEXO Orders a 'Trolled Fish'"]

[Text] The National Center for the Exploitation of the SEA (CNEXO) is getting ready to order from french industry an electronic system which makes it possible to locate polymetallic nodules on the ocean floor up to 6,000 meters deep!

In reality it is a "fish trolled" by an 8 km cable. Equipped with lateral sonar with a range of 500 meters, derived from military sonars (multiplexed connections), it will make it possible to rough out the ocean floor, but not to explore it with precision.

The "fish" will be built by the ECA [expansion unknown] Company whose plant is located in Toulon (180 employees with headquarters at Meudon-Bellevue and 50 percent of its activities in exports). As for the lateral sonar, the division of underwater activities of Thomson-CSF at Brest will build it.

Since the image obtained by the "trolled fish" is not sufficient to allow any certainty regarding the presence and the nature of the polymetallic nodules, CNEXO plans to use an Epaulard, an electronic system also developed in collaboration with ECA that makes it possible to automatically photograph underwater reliefs at up to 6,000 meters deep (at the rate of 14,000 pictures per day) with high resolution.

9969

CSO: 5200/2518

FISHING RIGHTS DISPUTE WITH SPAIN UNRESOLVED

Lisbon DIARIO DE NOTICIAS in Portuguese 12 Jan 83 p 1

[Text] Some 1,000 Portuguese fishermen from the Vila Real de Santo Antonio border area, who usually fish in Spanish waters, remained on land yesterday for the 12th consecutive day. On the other side of the border, the owners and fishermen of the Ayamonte fishing fleet, which normally operates in Portuguese waters and is now paralyzed, decided to give the government in Madrid their vote of confidence so that it will continue negotiating with Portugal.

The current situation is due to the expiration of both countries' fishing permits to the other's shipowners and fishermen on 30 December 1982. It is now expected that the two governments are ready to reach an agreement.

Spanish authorities in Madrid indirectly place the blame on Lisbon for dragging out the situation. This is the interpretation that may be given to the statement made by Miguel Oliver, secretary of state for fisheries, in which he affirms that he "continues to anxiously await the transitional fisheries plan proposal promised by Portugal." He expressed "fear that it would arrive with terms that would prevent us from accepting it."

On the Portuguese side, an official secretary of state for fisheries' spokesman expressed optimism yesterday on an early Luso-Spanish understanding. He also noted that Portuguese ports, particularly those in eastern Algarve, remained calm.

As of last night, there were still no concrete indications on whether or not negotiations on the fisheries agreement between Portugal and Spain would begin. There were also no indications that the "transitional plan" proclaimed by Portugal would be presented for discussion.

Meanwhile, yesterday, the Marin (Pontevedra province) Association of Fishing Boat Owners asked that "the historic rights recognized in the 1969 agreement" be exercised. It should be recalled that this agreement went so far as to allow the Spanish fleet to operate within Portuguese waters (between 6 and 12 miles) without limiting the number of boats. For those shipowners, "the Spanish Government is in a position of weakness in the negotiations with Portugal."

9935

CS0: 5200/2525

SOVIETS REFUSE TO PAY HEALTH, LIGHTHOUSE DUTIES

Istanbul DUNYA in Turkish 19 Jan 83 p 7

[Text] Soviet ships, in compliance with their instructions, continue to transit the Bosphorus and the Dardanelles without paying the fees due, as a protest against the daily adjustment of the value of the gold franc.

Close sources say that the ships' agent has reported in compliance with instructions received from the USSR that it cannot make the payments and has thus accumulated the dollar equivalent of 800 million liras in overdue health duties since 16 December.

In response to Western circles insisting that computation of the gold franc was in error, Professor Dr Tahir Caga said in a written statement about the transition to the new practice and the complaints about it: "The views set forth in this report and the legal principles on which they are based were explained orally on 29 March 1982 to the Borders and Coasts Health Directorate General and to the Maritime Undersecretariat and the Central Bank Foreign Exchange Directorate General in Ankara during April. Moreover, the situation was presented to the Northern Maritime Area Command at a meeting in which Istanbul's maritime problems were discussed. The Command, being closely interested in the problem as it falls within its area of jurisdiction and responsibility, came to the conclusion that the thrust of the report was appropos and brought the problem to the attention of the state authorities, contributing greatly to progress toward improvement."

Professor Dr Tahir Caga insisted that the new practice is a proper regulatory decision in our country's interests. He said:

"Some complaints have come from maritime circles about the new practice. The area of greatest complaint from our ship owners is the Maritime Bank's unfortunate decision to quintuple the lighthouse and rescue fees that it had been collecting on a dollar basis from ships not transiting the Bosphorus (free ships), taking the opportunity of the implementation of the new practice for transit ships to do this. The bank reversed this decision three days later in response to complaints and returned to the former practice, thus eliminating complaints in this regard.

"As for the ship's health duties collected on the basis of the gold franc from free ships in accordance with Law No 2548: There have been complaints and charges that the new rules were implemented without any account or evidence to the effect that Turkish ships would be covered although the problem had been studied for a long time in an interministerial commission prior to implementation, and thus fewer ships would come to our ports and tourist travel and the transit trade would be wrecked. In response, efforts were made to amend the law to make substantial reductions in the duty rates immediately without waiting to see how the new rules would go for a while. As soon as the modification is made, complaints on this score will be eliminated also. However, authorities say that, in terms of tonnage, only 5 percent of the ships using our ports are Turkish ships. We do not know how much this important fact has to do with the effort to change the law. On the other hand, keeping the duties (health, lighthouse, rescue) paid by free ships so low and thus creating a large difference between them and transit ships may encourage at least some transit ships to forego transit; this aspect must not be ignored, either.

"As for commercial ships transiting the straits: Each pays three duties (health, lighthouse and rescue) in accordance with the Montreux Convention which are collected on the basis of the gold franc. Until recently, the method used for converting the gold franc into the Turkish lira was inaccurate. The method was corrected on 16 November 1982 to set the value of gold at the rate on the world exchanges. There is no question of legally raising the duties; the amounts set for the duties by the Montreux Convention are still valid, only the computation is different. This method cannot be changed without factual and legal violations. However, if the amounts that the duties come to when figured by this method are too high for one reason or another, the government is empowered by the Montreux Convention to reduce them and to change these discount rates from time to time. This would be a decision of political preference. It has the obligation here, however, to give prior notice. If the government is going to offer a discount, it must do so without discrimination against any flag. During the Montreux Conference, Turkey agreed to treat local and foreign ships equally as regards duties. A discount in favor of Turkish ships only or any measure intended to have the same result indirectly (a tax rebate exclusively for transit ships for example) would be so close to "discrimination" that it would never be acceptable. In adopting a measure to ease the burden of duties on Turkish ships transiting the straits, it must be borne in mind that they amount to only 4.5 of each 1,000 transiting ships in terms of tonnage.

"To permit ships which transit the straits -- without calling at a port in the immediate area -- to be regarded as falling outside the transit regime and therefore exempt from transit duties on the assumption that they called at a Turkish port prior to transit or will do so afterward -- and, unfortunately, this is the current practice -- is not in keeping with the letter or spirit of the Montreux Convention and causes undue loss of income."

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CSO: 5200/2529

END